



# UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI  
THOMAS F. EAGLETON U.S. COURTHOUSE  
111 SOUTH TENTH STREET, FOURTH FLOOR  
ST. LOUIS, MISSOURI 63102

[www.moeb.uscourts.gov](http://www.moeb.uscourts.gov)

DANA C. MCWAY  
CLERK OF COURT

DIANA DURKEE AUGUST  
CHIEF DEPUTY CLERK

(314) 244-4500  
VCIS (314) 244-4999  
FAX (314) 244-4990  
PACER (314) 244-4998

## Public Notice

### Chapter 11 Corporation/Partnership Procedures

The following information is provided to assist Chapter 11 debtors' counsel in coordinating Chapter 11 administrative procedures with the clerk's office. This notice includes general procedures to be followed when filing any Chapter 11 petition as well as specific instructions and sample standing orders routinely employed by the judges of this court in managing larger Chapter 11 cases. Following these procedures will facilitate the court's management of your Chapter 11 case. Please review these matters carefully.

#### 1. Filing the Petition

- To the extent possible, please provide the Clerk of Court with advance notice of any substantial Chapter 11 filing. You may contact the Clerk at (314) 244-4500. Any communication regarding anticipated filings will remain confidential.
- Please avoid filing your petition(s), especially multiple-debtor cases, at the end of the day. The clerk's office closes at 4:30 p.m. We ask that you arrive at least one hour before closing.
- Please organize your documents as outlined in the attached NOTICE re: Chapter 11 Filing Requirements
- If you have a multiple-debtor case and will request the estates be procedurally consolidated, please file your motion for consolidation as early in the proceeding as possible.
- If possible, please contact the Office of the United States Trustee (314) 539-2976 prior to filing your petition or as soon as the petition is filed to review the United States Trustee's requirements and role in administering your Chapter 11 case.

#### 2. Filing First Day Motions

- If first day motions are filed at the same time the petition is filed, please use the guidelines:
  - S File an original plus one copy of all first day motions. The motions should be labeled as "Original" and "Chambers."
  - S File a proposed order for all first day motions.
  - S All original pleadings should be signed in blue ink and should be two-hole punched at the top of the page.
  - S Submit motions, notices and proposed orders in separate sets. For example, originals and all copies of a particular motion should be filed in one set; the original and all copies of the notice for that motion should be filed in a second

set; and proposed orders should be filed in a third set; then all three sets may be grouped together.

- In multiple debtor cases, if a motion to procedurally consolidate the cases is filed, the Court must receive an original of each pleading for each case until the motion to procedurally consolidate is granted.
- Although you are encouraged to use binders or notebooks to organize “Chambers” copies, do not file original motions in special binders or notebooks.

3. Setting hearings

- Contact the courtroom deputy for the assigned judge to schedule any first day hearings. Typical first day motions include: Motions to Employ Counsel, Use Cash Collateral, Establish Debtor-in-Possession Financing and Cash Management Procedures, and Pay Employees and Utilities.

4. Notice of Commencement of Case

- The court requires debtor’s counsel to prepare and serve the notice of commencement of case in accordance with Rule 2002(a)(1) Fed.R.Bankr.P.
- Contact the United States Trustee (314) 539-2976 to schedule the time, date and location of the 341 Meeting.
- Revised Noticing Instructions for Chapter 11 Corporate/Partnership cases are included in this packet. PLEASE NOTE: All 341 Notices in Chapter 11 cases must be signed by the Clerk of Court.
- The 341 Notice form must be in substantial conformity with the official form. Please ensure that you use the correct form for your type of case (Individual or Corporate/Partnership).
- In multiple-debtor cases, a single notice may be sent provided each debtor’s name, case number, and tax identification number appears on the notice. A separate sheet may be attached to the notice listing this information for all related debtors.
- Where possible, the court requests the following additional information be included in the notice (particularly in large Chapter 11 cases with substantial public interest).

**Telephone numbers:**

Clerk’s Office: (314) 244-4500

VCIS: (314) 244-4999

Toll Free VCIS: (888) 223-6431

**General Information:**

To obtain copies of pleadings and other papers, contact Bankruptcy Services, Inc., 111 South 10th Street, Fourth Floor, St. Louis, MO 63102; (314) 244-4940. General case information is available through PACER-NET and imaged documents are available through RACER. Instructions for PACER and RACER registration are available on the court’s website, <http://moeb.uscourts.gov>

5. Standing Orders

- The court regularly enters standing orders to govern various administrative matters in Chapter 11 cases. Requests for standing orders may be brought before the judge as an informal matter.
- Any proposed standing order must be circulated among counsel for the lead parties in the case and must be approved by the Clerk of Court before being presented to the judge for signature.
- Common Standing Orders include:
  1. Order Establishing Notice & Motion Procedures
  2. Order Establishing Procedures for Professional Compensation
  3. Order Setting Claims Bar Date and Establishing Claims Procedures
- Samples of these Standing Orders in form acceptable to the Clerk of Court are attached and may be downloaded in a word processing format from the courts website. *Not all provisions of these samples may be applicable to a given case.*

## 6. Claims

- The debtor must request the court establish a claims bar date in Chapter 11 cases and must provide notice of the claims bar date to all parties in interest. Rule 3003(c)(3) Fed. R.Bankr.P. The notice must be approved by the Judge. The proposed notice is typically attached as an exhibit to the debtor's motion to establish claims bar date.
- The notice may require claims be filed directly with the court or, if the number of anticipated claims is substantial, (e.g. in excess of 1000), the notice may require claims be filed at a post office box specially obtained for the purpose of collecting claims in the case. Debtor may suggest or the court may order use of a post office box.
- If a post office box is to be used, the debtor must rent the box at debtor's expense and provide the Clerk of Court with all keys to the box to ensure the clerk's office control over filed claims. The clerk's office will retrieve claims as necessary.
- Any post office box should be established at the following post office stations in this order of preference:
 

First	Jefferson Memorial Station, 111 S. Sixth St., St. Louis, MO 63101
Second:	Wheeler Station, 1140 Olive St., St. Louis, MO 63101
Third:	The Old Post Office, 815 Olive, St. Louis, MO 63101.
- If the number of anticipated claims is substantial, the debtor may seek to employ a claims processing agent. The Clerk of Court must review any proposed order for employing a claims agent and will be actively involved in coordinating the claims process with the claims agent. A sample order authorizing employment of a claims agent is attached. It details the duties the clerk's office will require of any claims agent employed in a Chapter 11 case.
- In larger Chapter 11 cases, the court may also order the debtor employ a special employee and/or provide other facilities to assist the clerk's office in administering the estate.

## 7. Imaging/Electronic format.

- All documents in Chapter 11 cases are being imaged and may be viewed through RACER. RACER provides internet access to the court's docket sheet as well as viewable images of filed documents. A PACER login is required. For more information

about RACER and PACER, please see the court's web site:

<http://www.moeb.uscourts.gov>.

- By standing order entered in most Chapter 11 cases, the court requires all parties to file documents in a Chapter 11 case (including the petition, schedules, pleadings, and exhibits) in both paper and electronic format. Documents filed in electronic format must be saved as pdf files or scanned as pdf files and submitted to the court on 3.5 inch floppy disk or CD simultaneously with the filing of the original, hard copy of the document. The disk shall be labeled with the title of the document, the file name and the name of the attorney filing the disk.

8. United States Trustee Matters.

- The U.S. Trustee invites Chapter 11 filers to meet with the U.S. Trustee's Office prior to filing a Chapter 11 petition to discuss first day motions, professional employment issues, committee formation and other topics germane to the commencement of the case.
- The U.S. Trustee will assign an analyst and attorney to each case and will mail notice to each of the 20 largest unsecured creditors concerning formation of an unsecured creditors' committee.
- The U.S. Trustee will conduct the section 341 meeting and an initial debtor interview in all Chapter 11 cases. At the initial debtor interview, if not addressed in advance, the U.S. Trustee will review:
  1. the debtor's obligation to file monthly operating reports;
  2. the debtor's insurance needs;
  3. the U.S. Trustee's banking guidelines;
  4. the U.S. Trustee's Fee Guidelines; and
  5. the debtor's obligation to pay quarterly fees under 28 U.S.C. § 1930(a)(6).

The Clerk's Office intends this packet to be a helpful tool for practitioners as well as the court. Please share your comments or questions with Steve Cruse, Director of Records and Public Service at (314) 244-4802.

Dana C. McWay  
Clerk of Court

Dated: April 18, 2002



# UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI  
THOMAS F. EAGLETON U.S. COURTHOUSE  
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## NOTICE TO BANKRUPTCY PRACTITIONERS Chapter 11 Filing Requirements

To properly file a Chapter 11 bankruptcy case this Court you must file an Original and 6 copies of the Chapter 11 petition. The original and all copies should be marked as "Original", "Court", Chambers", "U.S. Trustee", "Securities & Exchange Commission", "Secretary of Treasury" and "IRS".) The originals **must be two-hole punched and signed in blue ink**. The original and all sets of copies must be securely stapled in the following order:

1. Voluntary Petition (Form B1)
2. Exhibit "A" (Corporate Chap. 11 debtors) (Form B1XA)
3. List of Creditors Holding 20 Largest Unsecured Claims (Form B4)
4. Summary of Schedules (Form B6)
5. Schedules "A" - "J" (Forms B6A-B6J)\*
6. Declaration Concerning Debtor's Schedules (Form B6)
7. Statement of Financial Affairs w/Declaration (Form B7)
8. Attorney Compensation Disclosure Under 2016(b) (BK2016b)

\* Schedules I & J **NOT** required for Chapter 11 Partnership/Corporation filings. (See Rule 1007).

Two original typed matrices and the Original Verification of Creditor Matrix (two-hole punched), **plus one copy**; should be paper clipped to the "original" set. **DO NOT STAPLE Matrices. (Beginning January 1992, all cases are entered into the BANCAP System. The matrix must conform to the BANCAP format.)** Refer to separate instructions for preparation of BANCAP matrix.

If the debtor or attorney wants to receive a "Received/Filed" copy of the filing, an additional copy must be submitted to the Court, marked appropriately to be returned to the debtor or attorney. **If filing the petition through the mail, a self-addressed, stamped envelope is required for returning your copy of the petition and the receipt for fees paid.**

The filing fee is **\$830.00** effective 11/26/93. Fees may be paid by cash, check, credit/debit card or money order. However, credit/debit cards from debtors will **NOT** be accepted. Checks from attorneys or the debtor-in-possession must be made payable to: **"CLERK, U.S. BANKRUPTCY COURT"**. Cash should not be sent through the mail.

If you have any questions regarding Chapter 11 filing requirement, please contact Steve Cruse, Director of Records & Public Service at (314) 244-4802.

Dana C. McWay  
Clerk of Court

St. Louis, MO  
April 18, 2002

**UNITED STATES BANKRUPTCY COURT EASTERN  
DISTRICT OF MISSOURI**

**Chapter 11  
Corporation/Partnership**

**NOTICING INSTRUCTIONS**

Revised April 18, 2002



# UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI  
THOMAS F. EAGLETON U.S. COURTHOUSE  
111 SOUTH TENTH STREET, FOURTH FLOOR  
ST. LOUIS, MISSOURI 63102

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## NOTICE TO BANKRUPTCY PRACTITIONERS

Please be advised that as of August 19, 1991, pursuant to General Order 91-03, the Court has directed the Debtor-in-Possession to provide notice of the §341 meeting to all creditors and interested parties.

Updated instructions and a sample notice are provided to assist you with the noticing process.

Questions regarding the noticing process should be directed to Steve Cruse, Director of Records & Public Service at (314) 244-4802.

Dana C. McWay  
Clerk of Court

Revised: April 18, 2002

## INSTRUCTIONS FOR DEBTOR-IN POSSESSION TO USE WHEN COMPLETING THE MAILING OF THE §341 MEETING NOTICE

Attached you will find one blank §341 Meeting Notice for Chapter 11 Corporation/Partnership debtors for your reference.

### COMPLETE THE FOLLOWING STEPS:

1. The U.S. Trustee's Office will call to give you the §341 Meeting date, time, and location, as well as to schedule the initial Debtor interview.
2. Complete the §341 Meeting Notice by filling in the information requested in the General Information Section, including the **Employer Identification Number** as well as the section for the date, time and location of the Meeting of Creditors. The §341 Meeting Notice must be in substantial conformity with the sample attached to these instructions. If you have filed petitions for multiple related debtor entities, you may use one notice for all the related cases by listing the debtors' names, employer tax identification numbers and case numbers on a separate attached page.
3. Before the §341 Meeting Notice is mailed to the creditors, it **must be** signed by the Clerk of Court. It is the responsibility of the debtor or attorney for the debtor to maintain the original signed notice.
4. Date and mail the signed §341 Meeting Notice to all creditors and parties in interest, including the IRS at the following address:

Internal Revenue Service  
Special Procedures Branch - Stop 530  
P.O. Box 66778  
St. Louis, MO 63166

5. File a Certificate of Service listing the names and addresses of all parties to whom the §341 Meeting Notice was mailed. (In larger cases you may reference the mailing matrix by date filed to indicate to whom the Notice was sent. You do not need to attach a copy of the matrix). File a copy of the §341 Meeting Notice bearing the Clerk's signature as an attachment to your Certificate of Service.
  - a) Those parties filing Chapter 11 cases in the Eastern Division (St. Louis) must file this Certificate of Service within fifteen (15) days of the date of filing.
  - b) Those parties filing Chapter 11 cases in either the Southeastern (Cape Girardeau) or Northern (Hannibal) Divisions must file this Certificate of Service within twenty (20) days of the date of filing.
6. Pursuant to Bankruptcy Rule 2003, the U.S. Trustee shall call a meeting of creditors to be held not less than 20 days nor more than 40 days from the date of filing.

**EXCEPTION:** If a Chapter 11 is filed in one of the outer Divisions (Southeastern, Cape Girardeau) (Northern, Hannibal), the meeting of creditors to be held is not less than 20 days nor more than 60 days from the date of filing.

7. Pursuant to Bankruptcy Rule 2002, the debtor shall give the trustee, all creditors and indentured trustee not less than 20 days notice by mail of the meeting of creditors pursuant to §341 of the Code.

Dana C. McWay  
Clerk of Court

Dated April 18, 2002



## INSTRUCTIONS FOR FILING CREDITOR MATRIX ON DISKETTE

Please observe the following guidelines when filing matrices on a floppy diskette. Your cooperation is essential.

1. The diskette should be 3.5" (DOS Formatted to 1.44M or 720K).
2. The floppy disk matrix must be accompanied by a printed matrix in the BANCAP format.
3. Only **ONE** creditor matrix may be put on a single diskette.
4. Each diskette must be identified with the debtor's name on a label.
5. The file **MUST** be named **creditor.scn**.
6. The file **MUST** be saved as **ASCII** text and the font must be in 10 pitch in either Courier, Prestige Elite, or Letter Gothic font.
7. Each name/address must consist of no more than five (5) total lines, with at least **one blank line** between each of the name/address blocks. If the address has only two lines, **DO NOT** leave a blank line between the first and second line. This would be read as two separate addresses. The example below is Courier 10 pitch.

```
Steve Smith, Jr.  
1114 Market St.  
Suite 704  
St. Louis, MO 63101
```

```
Steve Smith Sr.  
2224 Market St.  
St. Louis, MO 63111
```

8. Zip code **must** be on last line. Nine digit zip codes should be typed with a hyphen separating the two groups of digits.
9. Each line must be 40 characters or less in length.
10. Official U.S. Postal Service State Abbreviations are required.
11. Only one space is required between city, state and zip code.

12. **DO NOT** include the following people on the creditor matrix. Their addresses will be retrieved automatically by the computer for noticing.
  - The Debtor
  - The Joint Debtor
  - The Attorney for Debtor(s)
  - Office of the U.S. Trustee
  - Case Trustee
13. File a signed "Verification of Creditor Matrix" (Original, plus one copy required).
14. Floppy diskettes may be retrieved at the Intake counter during counsel's next visit. At the Divisional Courts (Cape Girardeau and Hannibal), the floppy diskette may be picked up from the Electronic Court Recorder Operator during, divisional office travel.
15. Information regarding Diskette Matrix Preparation can be requested by writing or calling Mr. William Wolfenbarger, Systems Manager at (314) 244-4700, U.S. Bankruptcy Court, Eastern District of Missouri, Thomas F. Eagleton Courthouse, 111 South 10th Street, St. Louis, MO 63102.

#### **INSTRUCTIONS FOR AMENDED MATRIX**

1. A printed version of an amended matrix may be submitted in single-column format as described above, if the number of creditors being added to the matrix does not exceed twenty (20). If the number exceeds twenty (20) creditors, the amended matrix must be submitted on floppy diskette in accordance with the instructions above.
2. List **ONLY** those creditors to be added. **DO NOT** submit a complete new matrix with previously submitted creditors.
3. If you submit a printed version of the amended matrix, ensure that each page of the amended matrix includes the case number on the lower right REVERSE side.

Dated: April 18, 2002

## **Location of Section 341 Meetings**

### **St. Louis**

Thomas F. Eagleton Courthouse  
111 South Tenth Street  
Room 6.353  
St. Louis, MO 63102

### **Cape Girardeau**

Cape Girardeau City Hall  
City Counsel Chambers  
401 Independence Street  
Cape Girardeau, MO 63701

### **Hannibal**

The Municipal Courtroom  
Hannibal Police Department  
777 Broadway  
Hannibal, MO 63401

Or as otherwise arranged with the U.S. Trustee

**United States Bankruptcy Court  
Eastern District of Missouri**

**In re:**

Debtor(s)

)  
)  
)  
)  
)  
)  
)

**Case No.**

**Chapter 11**

**Certificate of Service**

The undersigned certifies that a copy of the attached §341 Meeting Notice was mailed this date to the debtor(s) herein, the attorney for debtor(s), if any, the trustee, if any, the U.S. Trustee, and all creditors and parties in interest, on the attached matrix as required by the Bankruptcy Code and the rules of Bankruptcy procedure.

Respectfully Submitted,

\_\_\_\_\_  
Attorney for Debtor Signature

\_\_\_\_\_  
Attorney for Debtor (typed)

\_\_\_\_\_  
Law Firm

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number

Date: \_\_\_\_\_



# EXPLANATIONS

FORM B9F (9/97)

Filing of Chapter 11 Bankruptcy Case	A bankruptcy case under chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.
Creditors May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; starting or continuing lawsuits or foreclosures.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date without further notice.
Claims	A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is <i>not</i> listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you file a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all <i>or</i> if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim against the debtor in the bankruptcy case. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice.
Discharge of Debts	Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See Bankruptcy Code § 1141(d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan.
Bankruptcy Clerk's Office	Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts at the bankruptcy clerk's office.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. You may want to consult an attorney to protect your rights.
—Refer To Other Side For Important Deadlines and Notices—	